



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**FEB 15 2017**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John Randolph, District Engineer  
Evergreen Recycling and Disposal Facility, Inc.  
2625 East Broadway Street  
Northwood, Ohio 43619

Re: Finding of Violation  
Evergreen Recycling and Disposal Facility, Inc.  
Northwood, Ohio

Dear Mr. Randolph:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Evergreen Recycling and Disposal Facility, Inc. (Evergreen or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Clean Air Act at your Northwood, Ohio facility.

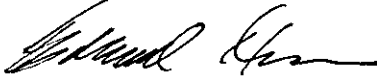
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Kenneth Ruffatto. You may call him at (312) 886-7886 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Edward Nam', with a stylized flourish at the end.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Bob Hodanbosi, Chief, Division of Air Pollution Control, Ohio EPA  
Mark Budge, Division of Air Pollution Control, Ohio EPA

1. Section 111 of the CAA, 42 U.S.C. § 7411, requires EPA to promulgate performance standards for new stationary sources, including MSW landfills, to achieve the maximum emission reduction possible for each source category.
2. Pursuant to Section 111 of the CAA, 42 U.S.C. § 7411, EPA promulgated the NSPS General Provisions, at 40 C.F.R. Part 60, Subpart A, which contain general provisions that apply to the owner or operator of any stationary source that contains an affected facility, the construction or modification of which is commenced after the date of publication of any NSPS standard applicable to the facility, 40 C.F.R. § 60.1(a).
3. Pursuant to 40 C.F.R. § 60.11(d), the NSPS general provisions require that, at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions, which is determined by information that may include monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

4. Pursuant to Section 111 of the CAA, 42 U.S.C. § 7411, on March 12, 1996, EPA promulgated the NSPS for MSW Landfills at 40 C.F.R. Part 60, Subpart WWW. *See* 61 Fed. Reg. 9919.
5. The NSPS requires new MSW landfills with a design capacity over 2.5 million megagrams by mass or 2.5 million cubic meters by volume to calculate the nonmethane organic compound (NMOC) emission rate of the landfill. If the NMOC emission rate is greater than 50 megagrams per year, the landfill is required to install, operate, and monitor a gas collection and control system (GCCS) in accordance with NSPS requirements.

#### National Emission Standards for Hazardous Air Pollutants

6. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate emission standards for sources of hazardous air pollutants (HAPs), including MSW landfills, to achieve the maximum emission reduction of HAPs possible for each source category.
7. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene. Each of the HAPs emitted from MSW landfills can cause adverse health effects.
8. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions, at 40 C.F.R. Part 63, Subpart A, which contain general provisions that apply as specified in the relevant NESHAP, 40 C.F.R. § 63.1(a)(4)(i).
9. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA promulgated the NESHAP for MSW landfills at 40 C.F.R. Part 63, Subpart AAAA. *See* 68 Fed. Reg. 2227.
10. The NESHAP General Provisions that apply to Subpart AAAA are specified in 40 C.F.R. Part 63, Subpart AAAA, Table 1, and include the operation and maintenance requirements in 40 C.F.R. § 63.6(e).
11. Pursuant to 40 C.F.R. § 63.6(e), the NESHAP general provisions require that, at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions, which is determined by information that may include monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
12. The NESHAP for MSW Landfills requires new MSW landfills to continue to comply with NSPS requirements, 40 C.F.R. Part 60, Subpart WWW, promulgated or approved under Section 111 of the CAA, 42 U.S.C. § 7411, and imposes additional requirements. 40 C.F.R. § 63.1955.

### Ohio's Title V Permit

13. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for sources of air pollution, Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA an operating permit program meeting the requirements of Title V.
14. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing Title V of the CAA. *See* Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
15. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V operating permit.
16. EPA fully approved the Ohio Title V program on August 15, 1995. *See* Fed. Reg. 42045 (effective on October 1, 1995).

### Findings and Violations

17. Evergreen owns and operates the Evergreen Recycling and Disposal Facility (Evergreen RDF, or the Landfill), a MSW landfill located at 2625 East Broadway Street, Northwood, Ohio.
18. The Landfill began receiving waste in 1973 and continues accepting waste.
19. The Landfill has a design capacity of approximately 19.7 million megagrams and currently has an estimated 12.6 million megagrams of waste-in-place.
20. At all relevant times, the Landfill had a NMOC emission rate equal to or greater than 50 megagrams per year, as calculated using the procedures specified at 40 C.F.R. § 60.754.
21. Evergreen installed and operates a GCCS to capture and destroy landfill gas (LFG) generated by the Landfill. The GCCS consists of approximately 90 active gas collection wells that send gas to either a flare or treatment system that treats the LFG for outside users.
22. On April 4, 2016, EPA conducted an inspection of the Landfill.
23. On August 15, 2016, EPA issued an information request to Waste Management of Ohio concerning the Evergreen RDF under Section 114(a) of the CAA, 42 U.S.C. § 7414.
24. On October 28, 2016, Evergreen submitted information to EPA in response to the August 15, 2016 Section 114(a) Information Request.

#### Failure to Adequately Address Cover Integrity

25. Pursuant to 40 C.F.R. § 60.755(c)(5), the owner and operator of a landfill shall implement a cover integrity program and implement cover repairs as necessary on a monthly basis.
26. Cover integrity is necessary to minimize surface emissions of LFG and to ensure efficient extraction of gas through a landfill's GCCS.
27. Information submitted to EPA by Evergreen in response to a Section 114(a) Information Request indicates that monthly cover integrity inspections were not performed in 2013.
28. Information submitted to EPA by Evergreen in response to a Section 114(a) Information Request indicates that monthly cover integrity inspections at the Landfill have routinely shown deficiencies in cover, including multiple recurring deficiencies.
29. Table 1, below, shows the percentage of cover integrity inspections at the Landfill from January 2012 to August 2016, except for 2013, that noted various cover deficiencies.

**Table 1: Percent of Inspections Finding Deficiencies in Cover Characteristics since January 2012**

Cover Characteristic	Percent of Inspections with Deficiencies (%)
Top Slope Drainage	25
Side Slope Drainage	25
Evidence of Gas or Leachate	98
Vegetation Quality and Density	20
Evidence of Erosion on Slope	7
Diversion Ditches	25
Side Slope Drainage Swales	98

30. By failing to maintain proper cover integrity at the Landfill to ensure GCCS efficiency, Evergreen violated and continues to violate the requirements at 40 C.F.R. § 60.755(c)(5), 40 C.F.R. § 63.1955, and its Title V Permit.

#### Failure to Address Water in the Landfill

31. Pursuant to 40 C.F.R. § 60.752(b)(2), owners and operators of landfills with design capacities greater than 2.5 million megagrams and with an NMOC emission rate greater than 50 megagrams per year were and are required to install and operate a GCCS meeting certain design and performance standards to capture and destroy LFG.
32. Pursuant to 40 C.F.R. § 60.752(b)(2), the GCCS shall either conform to the standards for active collection systems in 40 C.F.R. § 60.759 or include a demonstration of the sufficiency of an alternative.

33. Pursuant to 40 C.F.R. § 60.759(b)(2), vertical wells shall address the occurrence of water within the landfill.
34. Information submitted to EPA by Evergreen in response to its Section 114(a) Information Request indicates that, in 2016, approximately 42 wells at the Landfill had liquid levels in excess of 50% of the perforated portion of the well.
35. By failing to install an active collection system that could address water in the Landfill, Evergreen violated and continues to violate the requirements at 40 C.F.R. § 60.759(b)(2), 40 C.F.R. § 63.1955, and its Title V Permit.

#### Failure to Properly Operate Control Device

36. Pursuant to 40 C.F.R. § 60.755(e), the provisions of 40 C.F.R. Part 60, Subpart WWW apply at all times, with the exception of a 1-hour period for control device start-up, shutdown, or malfunction. The intent of the 1-hour period is to allow operators time to identify and correct problems with the control device or to route emissions to a back-up control.
37. Information submitted to EPA by Evergreen in response to its Section 114(a) Information Request indicates that on multiple occasions the flare was down for greater than one hour.
38. Table 2, below, shows the number of hours per year that the flare was not operating and LFG was not sent to a back-up device.

**Table 2: Downtime of Landfill Flare Over 1 Hour**

Year	Downtime (hours)
2012	74
2013	235
2014	244
2015	47
2016	28

39. By not routing LFG to a back-up device when the facility flare is in-operable, Waste Management violated the requirements at 40 C.F.R. § 60.755(e), 40 C.F.R. § 63.1955, and its Title V Permit.

#### Failure to Expand Gas Collection System

40. Pursuant to 40 C.F.R. § 60.755(a)(3)&(5), the owners and operators of landfills with a GCCS shall measure pressure and oxygen levels in the gas collection header at each individual well, monthly. If a positive pressure or oxygen level over five percent exists, the exceedance shall be corrected in 15 calendar days of the first measurement or the gas collection system shall be expanded to correct the exceedance within 120 days.

41. Pursuant to 40 C.F.R. § 60.755(a)(3)&(5), owners and operators of landfills may submit an alternative timeline for correcting exceedances to the Administrator for approval.
42. Information submitted to EPA by Evergreen in response to its Section 114(a) Information Request indicates six wells since 2012 that had exceedances which were not corrected in the proper timeframe.
43. Table 3, below, shows the wells with exceedances.

**Table 3: Wellhead Parameter Exceedances by Year**

Year	Exceedance Parameter	
	Oxygen	Pressure
2012		W43R
2013		WTW5
2014	LCRG, LCRL	
2015	W28	
2016	W26R	WTW3

44. By not addressing wellhead exceedances for pressure and oxygen in the appropriate timeframe, Evergreen violated the requirements at 40 C.F.R. § 60.755(a)(3)&(5), 40 C.F.R. § 63.1955, and its Title V Permit.

Failure to Comply with Good Air Pollution Control Practices

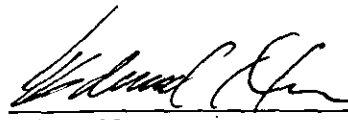
45. Pursuant to 40 C.F.R. § 63.6(e)(1)(i), “the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.”
46. Information submitted to EPA by Evergreen in response to a Section 114(a) Information Request indicates that approximately 7% of cover integrity inspections indicated exposed waste at the Landfill, which contributes to air pollution and odor concerns in the area.
47. By failing to consistently cover exposed waste, Evergreen failed and continues to fail to maintain good air pollution control practices to adequately control LFG and minimize fugitive emissions of LFG to the atmosphere, which contributes to air pollution in the area, in violation of the requirements at 40 C.F.R. § 60.11(d) and 40 C.F.R. § 63.6(e)(1)(i).



**Environmental Impact of Violations**

- 48. Volatile organic compounds contribute to ozone formation which can result in adverse effects to human health and vegetation. Ozone can penetrate into different regions of the respiratory tract and be absorbed through the respiratory system.
- 49. HAP emissions can lead to adverse health effects like cancer, respiratory irritation, and damage to the nervous system.
- 50. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site.

2/15/17  
Date

  
\_\_\_\_\_  
Edward Nam  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-17-OH-12, by Certified Mail,

Return Receipt Requested, to:

John Randolph, District Engineer  
Evergreen Recycling and Disposal Facility, Inc.  
2625 E. Broadway Street  
Northwood, Ohio 43619

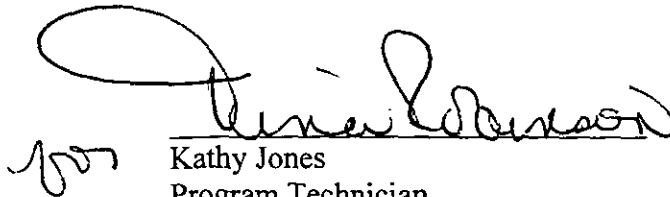
I also certify that I sent copies of the Finding of Violation to:

Bob Hodanbosi  
Chief, Division of Air Pollution Control  
[Bob.hodanbosi@epa.ohio.gov](mailto:Bob.hodanbosi@epa.ohio.gov)

and

Mark Budge  
NWDO APC Manager  
[Mark.budge@epa.ohio.gov](mailto:Mark.budge@epa.ohio.gov)

On the 16<sup>th</sup> day of February 2017.

  
Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7660 6981